



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 4, 2001

Mr. Doug Rosenkrance  
Watermaster, Water District 34  
Mackay, ID

Sent by FAX to (208) 588-3137

RE: Implementation of General Provisions in Water District 34

Dear Doug:

I am writing as the senior IDWR representative who participated in the negotiations that developed the new General Provisions in Water District 34. It is my understanding that you and others in Water District 34 have expressed concerns about the implementation of the new General Provisions. Because the General Provisions have been decreed by the District Court, these General Provisions should be implemented as soon as is practicable. If an appeal is filed, the provisions remain in effect unless stayed by the Court.

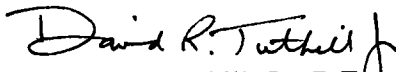
I have been advised that you have a specific question about General Provision 3g, which has been decreed as follows:

When the river is connected as specified in General Provision No. 6, while a right is rotated into storage, it is subordinate to all rights diverted above Mackay Reservoir with a priority date earlier than October 1, 1936.

During the negotiations, users of water upstream from Mackay Reservoir stated a concern that the ability of waterusers downstream from the reservoir to rotate direct flow water rights into storage could in some situations cause injury to water rights upstream from the reservoir. In response to this concern, the parties agreed to the language above. This General Provision provides that rotation into storage cannot occur when water rights senior to October 1, 1936 are being curtailed upstream from Mackay Reservoir. Stated another way, rotation into storage can continue when the river is disconnected (as defined by General Provision No. 6), and while the river is connected when curtailments are not being made to water rights upstream from Mackay Reservoir for priority dates senior to October 1, 1936.

Please contact me if this information does not address the question that you have raised. As you are aware, IDWR guidance regarding water distribution in your district comes from Mr. Tim Luke, and he will continue to provide this assistance.

Sincerely,

  
David R. Tuthill, Jr., P.E.  
Adjudication Bureau Chief

Cc: Norm Young, Tim Luke, Susan Hamlin

SCANNED

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